UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

THIRD COMMITTEE
39th meeting
held on
Friday, 15 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 39TH MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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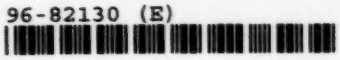
Distr. GENERAL
A/C.3/51/SR.39
30 September 1997
ENGLISH
ORIGINAL: FRENCH

96-82130 (E)



The meeting was called to order at 10.15 a.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Ms. SIBAL (United Nations Educational, Scientific and Cultural Organization (UNESCO)), speaking under agenda item 110 (b), introduced two reports by the Director-General of UNESCO on the project entitled "Towards a culture of peace" (A/51/395) and "The United Nations Year for Tolerance" (A/51/201), respectively.

2. The culture of peace was intended to address the roots of conflicts through the long-term promotion of development, democracy, the full achievement of human rights and systematic non-violence and solidarity. It supposed a transformation in outlook, namely the replacement of violence by dialogue and respect for human rights, of the image of the enemy by understanding and solidarity, of secrecy by sharing and the free flow of information, and of male domination by the full empowerment of women. At the same time, it could not be dissociated from development based on justice and the full implementation of democratic principles.

3. The promotion of such a culture supposed a broad range of action: national and regional programmes and global educational initiatives intended to modify daily behaviour. Those actions could be initiated by such organizations as the United Nations and UNESCO, but the success of the undertaking as a whole depended on countries themselves and on the establishment of global networks through the exchange of information and experiences. Although its objectives were clear, a culture of peace could not be rigidly defined or imposed from outside. It was a process that must be based on the history, culture and traditions of peoples themselves, and would vary according to countries' initiatives. In general, such a culture must be founded on recognition of fundamental human rights and the peaceful settlement of conflicts.

4. Implementation of the project "Towards a culture of peace" had begun in 1993 and 1994 with the implementation, in El Salvador and Mozambique, of

national programmes to consolidate peace. Subsequently, in 1995 and 1996, similar programmes and related activities had been undertaken in Burundi, Rwanda, Somalia, Guatemala, Congo and the Philippines, both to settle ongoing conflicts and prevent others. The fundamental aim of all those programmes had been to facilitate transformation from conflict to cooperation through dialogue and to the definition of shared human development goals. The scope of the project had been defined in a series of international forums and consultative meetings, including the first international forum for a culture of peace, held in El Salvador in February 1994, and the second international forum, held in the Philippines in November 1995. UNESCO intended to extend those programmes to a larger number of countries.

5. The promotion of a culture of peace meant preventing conflict and thus obviating the need to restore peace, a frequently risky and costly undertaking. It also meant resolving problems before they became intractable. It was, in consequence, a more economical and more sustainable policy.

6. The final report on the United Nations Year of Tolerance (A/51/201) offered a review of past activities, a look at where matters stood on the issue of tolerance and a plan of action as follow-up to the Year.

7. In accordance with the request made by the General Assembly in its resolution 48/126, UNESCO had assumed the role of lead agency for the Year. In that connection it had coordinated over 2,000 special events around the globe, in cooperation with regional, government and non-governmental partners, other United Nations agencies, educational institutions and the media, and had produced a large number of radio broadcasts and publications, including teaching materials for schools. Furthermore, several of its Member States (Turkey, Brazil, the Republic of Korea, Italy, Tunisia, India and the Russian Federation) had organized regional meetings at which dialogue on the principles and practices of tolerance had been brought to a new level in the international community, and which had made a contribution to the drafting of the Declaration of Principles on Tolerance, adopted by acclamation on 16 November 1995.

8. Mr. CHOONG-HYUN PAIK (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan) said that dramatic changes had taken place in Afghanistan since his previous presentation to the Commission on Human Rights in April 1996, in particular the advance of the Taliban, which now controlled most the country, including the capital, Kabul.

9. In Afghanistan, new threats had emerged to the most fundamental human rights and international humanitarian norms were again being breached. Hundreds of Afghans, mostly women and children, had died, and Mr. Najibullah, the former President, and his brother had been killed following an incursion by the Taliban into the compound of the United Nations Special Mission to Afghanistan, in violation of international law. Women, in particular, were victims of brutality on the part of the Taliban. It had been reported that women had been brutally beaten in public with chains for not wearing the chador, the use of which had long been recognized as optional by Afghan society. Furthermore, it had been announced that women would be banned from work outside the home and that educational opportunities would be restricted completely. Such restrictions posed a critical threat to the lives of Afghan families which relied entirely on the income earned by their female members. They also had the effect of

curtailing humanitarian assistance. The World Food Programme in Afghanistan had reported that a bakery in Kabul operated by war widows had been forced to close, leaving 15,000 without bread. Girls' schools had been closed, in flagrant violation of the basic human right of women to education.

10. Women's right to security of person - including the right not to be harassed, kidnapped, beaten or subjected to torture or any inhuman and degrading treatment, or to be forced into marriage - should be restored without delay. Their right to employment outside the home and to freedom of movement should also be restored in order to avert a potential humanitarian catastrophe during the winter.

11. The Taliban had carried out extrajudicial executions, such as those of the former President Najibullah and his brother. Cruel and inhuman punishment such as stoning and amputations had also been reported. A coherent system of administration of justice, that was in accordance with international human rights norms, should be established in Afghanistan.

12. All warring factions should immediately cease armed hostilities, exchange prisoners and proceed with the demilitarization of Kabul. They should also begin negotiations aimed at achieving a political settlement to the conflict and establishing a transitional government of national unity. In order for that peace process to bear fruit, all States should refrain from interfering in the internal affairs of Afghanistan, providing military personnel and supplying arms and ammunition to the parties to the conflict in that country. They should use their influence to encourage cooperation between such parties. All factions should also halt any terrorist activities, refrain from producing and selling narcotics, stop deploying landmines and cooperate with the United Nations Special Mission to Afghanistan.

13. The onset of winter and the cold could mean that many more people, in particular children, could be injured by landmines when looking for firewood. The mine-awareness and mine-clearance programmes implemented by the international community should be continued. Countries producing such mines should stop their production. Every effort should be made to curb the violence and to lessen the antagonism between competing factions and among members of the general public from diverse tribal, religious, social and cultural backgrounds.

14. Priority should also be given to preserving and protecting Afghanistan's cultural heritage. Indeed, the illegal trafficking in Afghan cultural artifacts had turned into a veritable "cultural genocide".

15. He was deeply concerned about the escalation of fighting in Afghanistan. The extremely delicate human rights situation in the country and recent developments in that regard called for a more concerted approach on the part of the United Nations agencies, States and regional and non-governmental organizations, which contributed independently to protecting human rights and providing humanitarian assistance for the Afghan people, both within and outside Afghanistan. The international community had a moral and political obligation to prevent the atrocities being perpetrated in every corner of the country.

16. Stressing the urgency of the situation, he called upon all Governments and all local authorities in Afghanistan to continue to facilitate his mission as

Special Rapporteur and, in particular, to permit him to visit all areas where human rights violations were committed or were likely to occur.

17. Mr. FARHADI (Afghanistan) expressed appreciation for the report prepared by Mr. Choong-Hyun Paik, who had demonstrated his capacity to conduct an objective investigation into the situation of human rights in Afghanistan, including the areas occupied by the Taliban. Since the publication of the report, the number of violations of women's rights in particular had increased. The Secretary-General had already referred to those violations on 7 October 1996, and the Security Council had expressed its concern about that matter in its resolution on the situation in Afghanistan of 22 October 1996. Amnesty International had also released a publication entitled "Afghanistan: Taliban takes hundreds of civilian prisoners".

18. Alarming news continued to come from Kabul. According to the Reuters news agency, tribal groups closely associated with the Government of Mr. Rabanni had been arrested. Agence France-Presse had reported the presence, among the detainees, of many persons belonging to various ethnic groups thought to be supporters of Mr. Rabanni. According to the news from Afghanistan, human rights violations were taking on an ethnic dimension. Thus, The New York Times of 27 October 1996 had reported that the burning of a hundred odd houses in villages north of Kabul had been ethnically motivated.

19. He hoped that the General Assembly would fully support the conclusions and recommendations of Mr. Choong-Hyun Paik's report.

20. Mr. LALLAH (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar) said that he had been unable to visit Myanmar because that country's Government had not acceded to his request for authorization to do so. He had therefore based his interim report on information from governmental, intergovernmental and non-governmental sources. He had come to the conclusion that in Myanmar, in cases where the exercise of basic human rights was not criminalized by the law, executive acts or orders greatly restricted such rights.

21. A wide variety of human rights violations occurred in Myanmar; they included summary and arbitrary executions, torture, arbitrary arrests and detention, violations of the freedom of opinion, association, movement and residence, and forced labour. Although the practice of forced labour violated the Forced Labour Convention of 1930 (International Labour Organization, Convention No. 29), it was widespread throughout Myanmar and continued to be practised, despite the repeated condemnation by the General Assembly, the International Labour Organization and other intergovernmental organizations, because the Government had not yet repealed the acts which legitimized it.

22. Similarly, in violation of international norms in the field of civil and political rights and in violation of its own Constitution, the Government of Myanmar had been refusing, since 1990, to implement the outcome of the general elections and continued to exercise all its powers under martial law. Since the National Convention, which had been convened at the initiative of the Government to draft a new constitution, did not ensure a meaningful representation of all shades of political opinion and democratic procedures, it would not lead to the adoption of a constitution based on the multiparty democracy for which the

people had been yearning for six years. Moreover, it was virtually impossible for opposition parties to function and they had been severely hampered in many ways. The governing military regime exercised absolute power and the people had no means of expressing dissenting political opinions.

23. The refusal of the regime in power to give way to a democratically elected Government was the cause of the human rights violations committed in Myanmar. In that connection, he drew the Committee's attention to the recommendations in paragraph 153 of his report. He hoped that the General Assembly would make an urgent appeal to the current Government of Myanmar to enter into a genuine dialogue with the leaders of the opposition political parties in order to bring the democratic process engaged in the 1990 elections to fruition, to restore peace and stability, and to find a lasting improvement in the situation of human rights in Myanmar.

24. Mr. TIN (Myanmar), referring to the interim report on the situation of human rights in Myanmar, said it was regrettable that the Special Rapporteur of the Commission on Human Rights had given the impression that the Government of Myanmar was unwilling to cooperate with the United Nations and condoned the innumerable human rights violations which, according to the report, had been committed in Myanmar. It was also regrettable that Mr. Lallah gave greater credence to allegations by political agitators and rumours spread on the Internet than to official statements by the Government. It was clear that political imperatives had prevailed over principles and even reality.

25. There could be no doubt of Myanmar's goodwill, which it had unfailingly demonstrated during 40 years of cooperation with United Nations bodies in such areas as the welfare of women and children, the international fight against narcotic drugs and the repatriation and resettlement of refugees. Even in the human rights field, while Myanmar did not agree with the General Assembly's decisions, it had unhesitatingly welcomed many United Nations representatives and had sent its most senior officials to New York to continue the dialogue, as the Secretary-General had acknowledged in several of his reports. The Special Rapporteur would be able to visit Myanmar, as his predecessor had done, as soon as a mutually convenient date had been arranged. He would therefore no longer be able to claim that Myanmar's attitude was not in conformity with the obligations incumbent upon it under Article 56 of the Charter, concerning cooperation with the United Nations.

26. Referring to the measures which had provoked the Special Rapporteur's criticism, he explained that a state of emergency had been declared and all powers assumed by the Tatmadaw (armed forces) since 1988 in order to ensure the nation's survival until such time as a new constitution could be adopted and a new democratic State emerged. The drafting of a new constitution took time, particularly in a country in which the aspirations of 135 ethnic groups had to be taken into account. Myanmar therefore preferred to proceed with caution in order to avoid the ethnic strife and rivalries which had afflicted other countries during their transition to democracy.

27. Furthermore, the country's political stability, of which the current Government was the guarantor, contributed to its economic development, as evidenced by the many advances achieved by Myanmar - the transition to a market economy, the increasing privatization of the public sector and the growth of

foreign investment - despite the withholding of economic and technical assistance by certain countries.

28. Myanmar had already responded to a number of allegations concerning specific human rights violations received through the Centre for Human Rights and to some of the questions raised by the Commission of Human Rights. Further information would be provided in due course.

29. Ms. REHN (Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia) recalled that, when she had presented her second report to the Commission on Human Rights in April 1996, the generally positive development of the situation in the former Yugoslavia allowed for a degree of optimism, although human rights abuses were continuing and it was not possible to state that democracy had been restored.

30. Seven months later, the results were mixed. She had written a new report based, as before, on her own experiences and on information provided by staff of the Office of the High Commissioner for Human Rights. In addition, she had just submitted a comprehensive report on minorities, which focused specifically on Croatia and the Federal Republic of Yugoslavia. The situation in Kosovo remained one of her greatest concerns, given its explosive character. Regrettably, the Serbian Government was still unwilling to discuss it, arguing that it was an internal matter. Its reluctance to address the question of Kosovo, or, for that matter, the situation in Sandzak, was all the more difficult to understand in view of its generally strong demonstration of cooperativeness.

31. The Government of Croatia had been very cooperative, providing detailed information when so requested. The situation in Sector North and Sector South, Krajina, remained deeply troubling, although there had recently been some improvement. The police force had not, as yet, put an end to the looting, harassment and killings, and few of those responsible for human rights violations had been prosecuted or punished. It was significant that thus far only a very few Serbs had returned to live in the region.

32. While elections had taken place in Bosnia and Herzegovina on 14 September 1996 as planned, the circumstances had been unsatisfactory owing to the lack of respect for freedom of movement, association and political expression. She believed it was crucial for municipal elections to be held in better conditions and had therefore requested that they should be postponed at least until the spring of 1997.

33. With regard to institutions, she drew attention to the Federation of Ombudsmen, which had cooperated closely with her and with which she intended to conduct joint field missions. She hoped that the Federation, and all the organizations established for the protection of human rights in the former Yugoslavia, would receive the support and attention they deserved.

34. While the report under consideration outlined numerous incidents related to human rights, the most widespread and most serious problems were those resulting from the conflict. The uncertain fate of orphans - as to whether they would be reunited with their parents, adopted or placed in orphanages - and of the children born of rape, whose mothers still did not know whether to keep them or

to give them away, as their families often demanded, posed very grave problems. The situation of children in general was a cause of deep concern. She called upon the international community to provide greater assistance to the Governments of the countries of the former Yugoslavia in their efforts to relieve the suffering of the young victims of the conflict.

35. Tens of thousands of women and girls, and also men and boys, had been victims of rape. That appalling crime, which had never before been committed on such a large scale and for the purpose of "ethnic cleansing", must remain a major focus of the International Tribunal on the former Yugoslavia. It was commendable, in that regard, that the Tribunal was seeking to protect victims and witnesses of rape, both before their journey to The Hague and afterwards, upon their return to their country.

36. There was still too much silence surrounding war criminals, in particular Karadzić and Mladić. [illegible]r mandates for their arrest should be issued. It was vital that the International Tribunal on the former Yugoslavia should enjoy all the support it needed; otherwise truth, justice and reconciliation would become empty words. The Governments of Croatia and of the Federal Republic of Yugoslavia bore a heavy responsibility in that regard.

37. Among the other issues that needed to be resolved as a matter of urgency, there was the question of mine clearance and, above all, that of missing persons. People had a right to know what had happened to family members who had disappeared. There had been uncertainty for too long. The expert on missing persons working in the framework of the Commission on Human Rights should be given all possible support. The question of the repatriation of all refugees and displaced persons, which raised enormous difficulties, was still far from being resolved.

38. The human rights situations in the countries of the former Yugoslavia were closely interrelated. The policies adopted by Croatia and the Federal Republic of Yugoslavia, for example, had repercussions on what happened in Bosnia and Herzegovina, as the Dayton Agreement had expressly recognized. She was convinced that it was only through an approach encompassing all of the countries concerned that she would be able to continue to present to the General Assembly and to the Commission on Human Rights realistic, comprehensive and objective reports on the human rights situation in the territory of the former Yugoslavia.

39. Mr. BIRO (Special Rapporteur on the human rights situation in the Sudan) reported on his mission to the Sudan from 1 to 7 August 1996, whose aim had been to engage in a dialogue with the representatives of the Government of the Sudan and to gather information on the measures the Government had undertaken to improve the human rights situation in the country, in accordance with Commission on Human Rights resolution 73/1996. In that connection, he thanked the senior officials of the Sudanese Government and the representatives of UNDP in Khartoum who had done much to facilitate his mission.

40. He recalled that, in its resolution 73/1996, the Commission had urged the Government of the Sudan to investigate reported policies and activities of which children were the victims in the Sudan, such as the sale of or trafficking in children, the separation of children from their families and social backgrounds, forced indoctrination and cruel treatment, and to bring to trial any person

suspected of involvement in them. The resolution had also urged the Government of the Sudan to carry out investigations into cases of slavery, forced labour and similar practices and to take all appropriate measures to put an end to them. As indicated in his interim report, the Sudanese Government had set up a Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, which had been due to issue a report by 15 August 1996. He had not received that report and was not aware that it had been submitted to the Consultative Council for Human Rights in the Sudan. According to information provided to him in Khartoum, a team composed of members of the Investigation Committee had been given the task of carrying out a field investigation. He emphasized that it was for the Sudanese Government to investigate all information communicated to it on the subject of contemporary forms of slavery and other human rights violations, and he recalled the recommendations he had made on that matter in his interim report.

41. On 23 October 1996, he had received information on a new law which discriminated against women and girls in the Sudan. Under the new legislation, women were to be separated from men in public gatherings, they would not be allowed to move around markets in the evening without being accompanied by a male member of their family and could only practice sport in closed places away from men. Co-education, including in private education institutions, was reportedly prohibited. He believed that if those reports were accurate the Sudanese Government should consider the issue without delay.

42. Since the most recent session of the Commission on Human Rights, in April 1996, he had continued to receive information on gross violations of human rights in southern Sudan committed by agents of the Government and by members of the various groups engaged in armed conflict in that region. Those violations had been brought to the attention of the Government of the Sudan, which he hoped would promptly take the necessary steps to put an end to them. He intended to make a detailed analysis of such information in the final report that he would be submitting to the Commission on Human Rights in 1997.

43. For financial reasons, the placement of human rights observers envisaged by the Commission on Human Rights had not yet taken place. He hoped that the General Assembly would endorse the recommendation of the Commission on Human Rights concerning the priority that should be given to that operation. It was necessary to ensure a continuous flow of information on the human rights situation in the Sudan, particularly in the areas where there was armed conflict.

44. In conclusion, he asked the Third Committee to keep the situation of human rights in the Sudan on its agenda as a matter of priority.

45. Mr. AL MUFTI (Sudan) thanked the Special Rapporteur for having visited the Sudan in August 1996 and expressed appreciation for the constructive observations he had made in his interim report. The Sudanese delegation had noted with satisfaction the references made in the report particularly in paragraphs 44 and 52, to the positive steps taken by the Sudanese Government in the field of human rights. The Sudan also welcomed the emphasis placed by the Special Rapporteur in is report on the fact that, because of the dramatic implications of the armed conflict for the overall situation in the Sudan, the country needed and would continue to need substantial external assistance. His

delegation hoped that the Committee would bear those observations in mind in the resolution that it was to adopt on the matter.

46. On the other hand, he regretted that the Special Rapporteur, in paragraph 2 of his report, had referred to information and testimony concerning human rights violations which were mere allegations. The Special Rapporteur might have taken advantage of his visit to the Sudan to verify the substance of those allegations, but had not done so. Lastly, it was regrettable that the Special Rapporteur had recommended to the General Assembly that it should continue to consider the question of the human rights situation in the Sudan. His delegation hoped that the Committee would not take action on that recommendation, which ought not to have been made. As the Special Rapporteur himself had acknowledged, the Sudan's cooperation with United Nations bodies was not open to question.

47. Mr. PINHEIRO (Special Rapporteur on the human rights situation in Burundi) said that the coup d'État of 25 July 1996 in Burundi had been merely the culmination of the continuing dismantling of that country's democratic institutions which had been under way since October 1993. No peace worthy of the name could be established in that country without an equitable solution that was founded on power-sharing, on a realistic basis, between the Tutsi minority and the Hutu majority and provided a means of surmounting the profound socio-economic inequalities which continued to affect Burundi society. The restoration of the National Assembly and the lifting of the suspension of political parties were positive signs in that connection.

48. However, democracy could not be restored by the de facto authorities alone. The General Assembly must firmly support the call of the third Arusha Regional Summit on Burundi, held in the United Republic of Tanzania on 12 October 1996, for the holding of negotiations between all parties to the conflict, including armed factions inside and outside the country. The international community should support the efforts being made to that end by the United Nations, the Organization of African Unity (OAU) and the African countries and should maintain pressure on the Burundian authorities by means of economic sanctions so that they would give immediate, concrete evidence of their intention to conclude a ceasefire between all the interested parties. An arms embargo was absolutely indispensable if the parties to the Burundian conflict were to agree to such unconditional negotiations. The embargo would stabilize the situation and put a stop to the serious human rights violations that were being committed in the region.

49. No political solution would be viable in Burundi that did not take into account the absolute necessity of punishing human rights violations. Yet, after the coup d'État of 25 July 1996, insecurity and impunity remained as widespread as before and more than 10,000 people had since perished. The world had only a limited idea of the real dimension of the human rights violations perpetrated in Burundi as the greater part of the country had not been touched by the investigations and had not received international humanitarian assistance. However, information collected by the International Commission of Inquiry was not at all reassuring. In that connection, the Special Rapporteur deeply regretted that the recommendations in the Commission's report contained no specific measures to bring the perpetrators of human rights violations to justice in order to prevent any repetition of such acts, eliminate impunity and

promote national reconciliation in Burundi. He strongly recommended that the General Assembly should consider establishing an international court as soon as possible to prosecute those who had ordered and carried out the assassination of President Ndadaye, the genocide against the Tutsis and the ensuing massacres of the Hutus.

50. The international community should not remain idle in the face of the catastrophic developments in the human rights situation in Burundi, with its succession of murders, arrests, enforced disappearances, looting and banditry. It was imperative that a special session of the Commission on Human Rights should be convened to consider all the human rights issues in that part of the world. Currently, everything was in place for the conflict to spread to the whole Great Lakes region. The Special Rapporteur entirely shared the opinion of the Secretary-General regarding the need to convene a regional conference on the peace, security and development of the region. He urgently appealed to the international community to emerge from its lethargy before it was too late. That appeal was addressed in particular to States having considerable resources. The countries in the region, including Burundi, had begun to take encouraging measures with a view to restoring peace. Unfortunately, they had only meagre financial and logistical resources to end the sufferings of their people.

51. Mr. HASAYANDI (Burundi) said that his country enjoyed very good relations with the Centre for Human Rights, which had an office in Bujumbura. The Government had even asked the Centre to increase the number of human rights observers in Burundi.

52. His delegation wished to thank the Special Rapporteur for his positive comments regarding the efforts that the Government of Burundi was currently making to improve the human rights situation in the country. However, it disputed his analysis of the changes that had occurred since July 1996. Those changes had been dictated by the fact that the State had been on the verge of disintegrating. His delegation also believed that the Special Rapporteur had exaggerated the number of people who had been killed after the coup d'État. The new regime had tried to tighten security in the towns and eliminate the armed groups in the countryside. It was therefore surprising that the Special Rapporteur supported the sanctions against Burundi, which were unjust and affected the people most of all. As to finding a solution to the armed conflict, Burundi was in constant contact on that subject with African leaders, especially with the President of the United Republic of Tanzania.

53. The Special Rapporteur ought to have drawn attention to those who were really responsible for the human rights violations in Burundi, as neither the Government nor the people were at fault. The violations were the acts of extremists from all ethnic groups. In fact, the Government of Burundi had just submitted to the Security Council a proposal to create a court to try those responsible for the assassination of President Ndadaye in 1993 and the massacres that had ensued. The Government also agreed on the need to reach a global political settlement with all the parties concerned.

54. Mr. AMOR (Special Rapporteur of the Commission on Human Rights on implementation of the Declaration on the Elimination of All Forms of Religious Intolerance and of Discrimination Based on Religion or Belief) introduced his

second interim report (A/51/542) and the reports on his visits to the Sudan and Greece (A/51/542/Add.1 and Add.2) which would be issued shortly. He thanked Governments and non-governmental organizations for their cooperation. He had only been able to study the situation in 45 States since January 1996 because of the drastic cutbacks in available resources.

55. The Special Rapporteur had also addressed two urgent appeals to the Islamic Republic of Iran, one concerning the Reverend Yusefi, born a Muslim and converted to Christianity, whose death by hanging under circumstance that had yet to be clarified had followed the killings of protestant clergy in 1994, and one concerning Mr. Moussa Talibi, a Muslim converted to the Baha'i faith, whose death sentence was the fourth to be issued on grounds of apostasy.

56. The Special Rapporteur had also addressed two urgent appeals to Egypt concerning the case of Professor Nasr Abu Zeid, who had been declared an apostate by Egyptian law, in response to a petition from Islamic plaintiffs and condemned to divorce his wife, as she was not permitted to continue to live with a non-Muslim. The prompt response by the Government of Egypt showed that the Egyptian executive and legislative authorities were trying to contain extremism and intolerance. Act No. 3, introduced in January 1996, made the institution of legal proceedings on religious grounds the sole prerogative of the government procurator, and the Act of 21 May 1996 made the admissibility of a lawsuit contingent on the concept of personal and direct interest.

57. Religious extremism was not on the wane. Its manifest or latent expressions - violations of the right to life, physical integrity and health, and of the freedom to manifest one's religion, to dispose of religious property, to proselytize and, more generally, to worship freely - were on the rise. The international community should become more aware of the threats that such manifestations posed to international peace and security.

58. Mention should also be made of the numerous violations of freedom of thought, conscience and religion caused by non-recognition of the right to conscientious objection and by the sanctions and discrimination directed at those who converted to another religion.

59. Religious freedom should not serve as a cover for unscrupulous and irreligious groups whose crimes were likely to promote intolerance and discrimination towards anything that did not conform to the established order. The question of sects should be considered in greater detail, without passion, taking the facts into account in the light of international norms.

60. He welcomed the cooperative spirit demonstrated by most of the Governments of the countries he had visited, namely Greece, the Sudan, China, Pakistan and the Islamic Republic of Iran, especially the Governments of the latter three, with which he had been able to develop and implement follow-up procedures. He thanked Germany, India and Australia for their invitations, to which he intended to respond in the near future. He regretted, however, that he had yet to obtain the consent of Viet Nam and of Turkey, two countries he hoped to visit.

61. In Greece, freedom of belief was guaranteed to all by the Constitution. However, freedom of worship could be subject to certain practical limitations, owing chiefly to the status of Orthodox Christianity as the "dominant religion"

and the prohibition of proselytism. The Catholic and Protestant minorities were victims of intolerance and were generally marginalized in the professional and educational spheres. The Jehovah's Witnesses had received sentences, including deprivation of liberty, and their religious militancy had led to their being socially ostracized. On the other hand, the Jewish minority appeared to be sheltered from discrimination, although it joined other religious minorities in protesting the inclusion of religion as a category on the national identity card. The Muslim minority of western Thrace appeared to be hostage to relations between Greece and Turkey.

62. In the Sudan, the Constitution specified that Islam was the religion that guided the great majority of Sudanese, but that each individual was free to adopt other revealed religions or traditional religious beliefs. Nevertheless, although the Sudan had a long tradition of tolerance, the policies of Islamization and Arabization being carried out by the authorities, including in the southern Sudan, threatened religious freedom not only of Christians and animists but also of Muslims who did not adhere to official doctrines. Such persons were subject to discrimination and even persecution. However, it should also be noted that the adoption in April 1966 of a political charter based on citizenship rather than religion had led to positive developments aimed at facilitating a solution to the problem of the south.

63. In view of the increase in the number of topics considered, States concerned and visits made, it was essential for the international community to support ongoing efforts to combat religious intolerance, Focusing primarily on economic matters ultimately hampered the functioning of mechanisms set up to protect human rights.

64. Mr. MANOLOPOULOS (Greece) said that he reserved the right to reply when the report concerning his country was issued.

65. Mr. WISSA (Egypt), referring to paragraphs 27 and 28 of the report (A/51/542), recalled that Act No. 3 of 1996 had made the institution of legal proceedings on religious grounds the sole prerogative of the government procurator, in order to prevent any abuses aimed at the defamation or intimidation of citizens. The latest court to hear Professor Abu Zeid's case had overturned the previous judgement, which had obliged him to separate from his wife. Professor Abu Zeid was currently living in The Netherlands, but he had never been forced to leave his country and was completely free to return there. None of the decisions in his case had affected his professional status; his writings had not been confiscated or banned, and he had not been persecuted.

66. Mr. DENG (Representative of the Secretary-General on internally displaced persons), introducing his report (A/51/483 and Add.1), said that the humanitarian tragedy that had struck Kivu State in eastern Zaire once again underscored the gravity of the problem of internally displaced persons and the magnitude of the challenge it posed to the international community. He welcomed the measures taken and the willingness to seek a long-term political solution to the turmoil plaguing the entire Great Lakes region.

67. During the previous year, the representative of the Secretary-General had been actively engaged in developing a normative framework for meeting the needs of the internally displaced, promoting institutional arrangements for protecting

and assisting such populations, and visiting countries with serious problems of internal displacement in order to promote dialogue with Governments and other actors involved in addressing the needs of the internally displaced.

68. In 1996, he had submitted to the Commission on Human Rights a document (E/CN.4/1996/52/Add.2) recapitulating the provisions of international human rights law applicable to the protection of the internally displaced. That document confirmed that while existing law provided substantial coverage for such people, there were significant areas where it failed to provide adequate protection and which required remedy. Such remedy could be accomplished by restating existing law, clarifying its provisions and consolidating them in one document. He was pleased to note that the United Nations High Commissioner for Refugees had already used that document to develop a manual to be used by its officers responsible for protecting the rights of displaced populations in the field.

69. Pursuant to the request made by the Commission on Human Rights at its fifty-second session, he had embarked on the development of a legal framework for the protection of internally displaced persons that would address all phases of displacement, including its prevention, and had also undertaken a study of the right not to be displaced. He hoped that the framework would receive the strong support of the international community.

70. Serious gaps also existed in the institutional arrangements for dealing with the internally displaced. No institution had a comprehensive mandate to deal with the problem, and collaboration among existing institutions remained the only feasible option. However, such collaboration was often constrained by problems of coordination, a neglect of protection and insufficient support for the reintegration and development of the people concerned. Under his direction, the Brookings Institution and the Refugee Policy Group were currently undertaking a study on institutional reform. A set of concrete proposals would be published in 1997.

71. Regional organizations played an increasingly important role in the protection of internally displaced persons and in conflict prevention. For example, OAU was seeking to defuse tensions before they could lead to displacement. It was to be hoped that the proposals of OAU and the international community would promote humanitarian and political solutions to the current crisis in the Great Lakes region. For a number of years, the Organization for Security and Cooperation in Europe (OSCE) had been endeavouring to protect internally displaced persons in Tajikistan, Bosnia and Herzegovina, and the Caucasus. The Inter-American Commission on Human Rights of the Organization of American States had appointed a rapporteur on internally displaced persons. Other regional organizations should also consider establishing institutional mechanisms for the internally displaced.

72. A regional conference had been held in May 1996 to address the problems of refugees, displaced persons and others involuntarily displaced and returnees in the countries of the Commonwealth of Independent States and neighbouring countries. The programme of action adopted at that conference proposed a wide range of initiatives to remedy the problems created by internal displacement. Countries should draw on it in developing policies, legislation and institutions to help them cope better with those situations.

73. One of the most important features of his mandate were his meetings with representatives of Governments. His role was to draw their attention to the plight of displaced persons and to recommend measures to alleviate their situation in cooperation with the international community and governmental and non-governmental organizations. In that connection, the report of his June 1996 mission to Tajikistan, where the situation had continued to deteriorate, merited the General Assembly's special attention.

74. He was pleased that he would be able to visit Mozambique at the end of November. Country visits, however, were bound to have very limited impact unless there was constant monitoring to ensure that the recommendations arising from his discussions with Governments were being carried out.

75. In the coming year, he would continue to focus on the three areas of activity of the past several years: developing a normative framework, improving institutional arrangements and enhancing his role with Governments and international organizations.

76. Mr. GROTH (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Cuba) said that, once again, he had received no reply from the Cuban Government to his request for an opportunity to visit Cuba.

77. From the information that he had continued to receive, it appeared that the situation in Cuba had remained virtually the same. Imprisonment, harassment, house searches, threats, arrest, loss of employment or other kinds of reprisal continued to be the lot of dissidents, who had the choice between leaving the country or being threatened with prosecution. Recent information suggested that the living conditions of detainees in prisons were deplorable, particularly with respect to sanitary conditions and food. Contacts with families were reported to be extremely difficult and the facilities overcrowded. Groups within Cuba had provided him with a list of 1,173 political prisoners.

78. Violations of the right to life were also a concern. The case of the sinking of the tugboat 13 de Marzo on 13 July 1994 had still not been investigated. Thirty-seven people had lost their lives in that incident. On 24 February 1996, the Cuban air force had shot down two civilian aircraft registered in the United States of America, which had been on a mission for a Miami-based volunteer organization. He considered the shooting down of those aircraft a premeditated act. It was legitimate to ask what had motivated the Cuban Government to create such incidents and also why the United States authorities had not taken effective measures to halt a mission that could be expected to have tragic consequences. One possible reason was the existence of groups in Miami whose relevance depended on continued confrontation between the two countries.

79. In the area of employment, the people with whom he had had an opportunity to speak had expressed their concern at the employment situation of workers in enterprises funded with foreign capital, in particular at the lack of any kind of collective bargaining and the arbitrariness of other aspects of labour relations. Wages were not paid directly to workers but to an employment authority designated by the Government, which paid workers in national currency.

80. In its negotiations with foreign companies, the Government must ensure that workers' rights were safeguarded, in accordance with the International Labour Organization conventions to which Cuba was a party.

81. According to information he had received, although dissidents continued to be persecuted in Cuba, it appeared that such repression had diminished in intensity. The work done by individuals and groups involved in collecting information on human rights violations in Cuba had certainly played a vital role in that respect. The Helms-Burton Act and the Toricelli Act, under which the United States assumed the right to impose the rules for converting Cuba from a totalitarian system to a democratic one had had an overall negative impact on Cuba. Such action could also discourage dissidents in Cuba who might feel that their own criteria were irrelevant and that Cuba's future would in any case be decided without them.

82. The free-fall in the Cuban economy following the break-up of the Soviet Union seemed to have stopped. It was remarkable for a country that had suddenly lost one third of its national product to experience an economic decline of that magnitude and survive politically. The conclusion to be drawn was that the current regime enjoyed greater credibility and loyalty among broad segments of the population that many observers had thought. The system's flexibility had been another contributing factor. Unfortunately, its economic flexibility had not been matched in the political arena. It was clear that the Cuban Government remained hostile to the idea of introducing a pluralistic system. However, the changes that had already been introduced in the economic and social sectors would compel the authorities to consult the people. The degree to which such measures were taken would have a major impact on the country's future.

83. In conclusion, in the light of the continuing human rights violations in Cuba, he could only reiterate the recommendations that he had made in previous years and call on the Government of Cuba to implement them.

84. Mr. NÚÑEZ MOSQUERA (Cuba) said that, as was the case every year, the report of the so-called Special Rapporteur on the so-called "situation of human rights in Cuba" had proven to be an exercise in futility that bordered on the absurd. It was essentially blackmail which, curiously, was occurring after over 30 years of a genocidal policy waged in vain to overthrow the political, economic and social order in Cuba. Contrary to the predictions of doom by the United States, Cuba was pursuing policies to promote the economic and social development of its people.

85. As the spokesman for those who had conceived and financed one of the most shameless defamation campaigns ever orchestrated by a country in modern history - a campaign that reflected the views of the most conservative sectors of the United States and the favourite representative of the Cuban mafia in Miami and of those who had enthusiastically welcomed the Helms-Burton Act, which had been rejected by the entire world - the Special Rapporteur had in his report called for a crusade against Cuba. The Rapporteur would soon become an agitator.

86. Anyone who prided himself on making an objective assessment of the so-called situation of human rights in Cuba should begin by recognizing the social transformation towards equality, justice and popular participation that

be unaware of who was primarily responsible for the most flagrant, massive and systematic violations of the fundamental rights of an entire people - unless the Special Rapporteur chose to ignore 30 years of military aggression, terrorism, invasions and economic war against Cuba. The Special Rapporteur had stressed the Cuban Government's lack of cooperation. The Cuban Government, however, considered the mandate of the Special Rapporteur totally illegal and unwarranted. The existence of a human rights situation in Cuba that might warrant such selective and discriminatory treatment had never been demonstrated. The continuation of that mandate was completely meaningless.

87. Cuba maintained and intended to maintain relations with all United Nations mechanisms that were universal in scope.

The meeting rose at 1.10 p.m.